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OFFICE OF PETITIONS

Serial No. 09/532,402

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. A. Kepler et al.
Serial No. : 09/532,402 Group Art Unit: 2172
Filed : March 22, 2000 Examiner : A. Ly
Title : Method and System for Searching, Accessing and Updating Databases

**Petition To Withdraw Examiner's Improper
Action Of Abandonment Under 37 CFR 1.181**

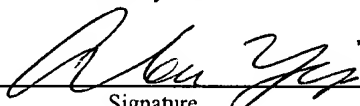
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Technology Center 2100

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 19, 2004.

Alex L. Yip
Attorney Name


Signature

34,759
Registration No.

February 19, 2004
Date of Signature

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.181 and MPEP § 711.03(c) applicants hereby petition to the Commissioner to withdraw the Examiner's improper action of abandonment of the above-identified patent application. Applicants learned that the Notice of Abandonment of the application was mailed on January 20, 2004.

On December 2, 2002, the Patent Office mailed an Office Action in connection with the above-referenced patent application. The Patent Office subsequently mailed the Notice of Abandonment alleging that "Applicants fail[ed] to timely reply to the Office letter mailed on December 2, 2002." (See Exh. A (Notice of Abandonment).)

The Notice of Abandonment is improper and must be withdrawn as Applicants indeed replied to the December 2, 2002 Office Action in a timely manner. In fact, Applicants filed a Request for Reconsideration and Third Supplemental Information Disclosure Statement responsive to the Office Action on February 28, 2003 -- less than three months after the December 2, 2002 Office Action was mailed. (*See* Exh. B.) This document was sent to and received by the Patent Office as evidenced by:

- A return receipt postcard which was **sent to the Patent Office on February 28, 2003** along with the Request for Reconsideration and Supplemental Information Disclosure Statement. **The postcard is stamped received by the Patent Office as of March 5, 2003.** (*See* Exh. C.)
- A copy of a fax transmission confirmation dated July 31, 2003 to Examiner Anh Ly, enclosing a copy of the Request for Reconsideration and Supplemental Information Disclosure Statement and return receipt postcard. This fax was sent in response to a request by Examiner Ly for a copy of the filed papers. **A copy of the fax transmission confirmation sheet is attached.** (*See* Exh. D.)
- A second fax transmission confirmation dated September 30, 2003 to Examiner Ly, enclosing another copy of the Request for Reconsideration and Supplemental Information Disclosure Statement and return receipt postcard. This fax was sent in response to a request by Examiner Ly for an additional copy of the filed papers. **A copy of the second fax transmission confirmation sheet is attached.** (*See* Exh. E.)

As demonstrated above, Applicants replied to the December 2, 2002 Office Action in a timely manner. Accordingly, the application should not be abandoned and a withdrawal of abandonment is therefore required.

Because this Petition to Withdraw Examiner's Improper Action of Abandonment "does not require a fee" (*see* MPEP, § 711.03(c)), no fee is enclosed herewith. Nevertheless,

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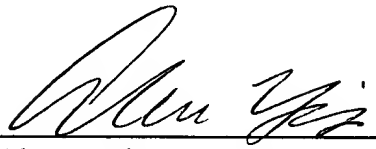
Serial No. 09/532,402

should a fee be due, the Commissioner is authorized to charge such fee to Kaye Scholer's
Deposit Account Number 50-0988.

Respectfully,

Michael A. Kepler
Christopher A. Huey
Runping Qi
Christopher A. Wake

Dated: February 19, 2004

By: 
Alex L. Yip, Attorney
Registration No. 34,759
212-836-7363